

1937

c 359 Continuation Schools Act

Ontario

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CHAPTER 359.

The Continuation Schools Act.

1. In this Act,—

Interpreta-
tion.

- (a) "Continuation school section" shall mean the municipalities and parts of municipalities over which a continuation school board has jurisdiction; "Continuation school section."
- (b) "County pupils" shall mean pupils who reside or whose parents or guardians reside in the county but not within a town, village or school section in which a grade A or grade B continuation school is established but shall not include resident pupils; 1937, c. 68, s. 6 (3) *part*. "County pupils."
- (c) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees; 1937, c. 68, s. 6 (1). "Main-tenance."
- (d) "Minister" shall mean Minister of Education; "Minister."
- (e) "Municipality" shall include a city, town, village or township, but not a county; R.S.O. 1927, c. 325, s. 1, cls. (b, c). "Municipality."
- (f) "Permanent improvements" shall include the purchase or rental of a residence for a teacher or of a school site, the erection or rental of a schoolhouse, the enlargement of both or either of them, the erection of "Permanent improve-ments."

outhouses and gymnasium and other buildings or fixtures to be used for the purpose of carrying on such school activities as are specified or permitted by the regulations, the purchase of school furniture, maps and apparatus, library and all other appliances required by the regulations; R.S.O. 1927, c. 325, s. 1, cl. (d); 1929, c. 84, s. 5; 1937, c. 68, s. 6 (2).

"Regulations."

Rev. Stat.,
c. 356.

(g) "Regulations" shall mean regulations made by the Minister under *The Department of Education Act*; R.S.O. 1927, c. 325, s. 1, cl. (e).

"Resident pupils."

(h) "Resident pupils" shall mean pupils who reside within a grade A or a grade B continuation school section, or who are assessed or whose parents or guardians are assessed within the section for an amount equal to the average assessment of the ratepayers therein; and shall include a pupil who resides or whose parents or guardians reside in a grade A or grade B continuation school section who attends any grade A or grade B continuation school, or high school, situated in a municipality within the county, or a grade A or grade B continuation school or high school in a city or separated town or adjacent county, which is open to county pupils from the county in which he resides when such grade A or grade B continuation school or high school,—

(i) is reasonably accessible to such pupil while the grade A or grade B continuation school in the section in which he resides is not thus accessible, or

(ii) provides for such pupil a course of study which is not offered in the school in his own section, and in case of dispute as to liability of the continuation school section to pay the cost of education of any such pupil the matter shall be determined by the judge in a manner similar to that provided for in the case of an application to the judge under section 36 of *The High Schools Act*. 1937, c. 68, s. 6 (3), *part*.

Rev. Stat.,
c. 360.

Classification of
continuation schools.

2. Subject to the approval of the Lieutenant-Governor in Council the Minister may classify continuation schools into grades A, B and C and for such purpose may make regulations prescribing the requirements of schools in each of such grades. 1937, c. 68, s. 7.

Establishment of
schools.

3.—(1) Subject to the regulations and to the approval of the Minister the public school board of any municipality or

school section or a separate school board may establish and maintain one continuation school with a staff of at least one teacher engaged for his whole time.

(2) The board shall have in respect of such continuation school all the powers conferred on public or separate school boards as to acquiring a school site, erecting buildings and additions to existing buildings, and providing equipment for and paying the cost of permanent improvements, and of the maintenance of such continuation schools.

Powers of board.

(3) Subject to the regulations and to the approval of the Minister, agreements may be entered into by two or more public school boards or by one or more of such boards and one or more separate school boards for the establishment and maintenance of a continuation school to be conducted in some place agreed upon by the boards for the benefit of the pupils from all of such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the continuation school to be paid by each of such boards or shall provide for the manner in which such proportion shall be determined.

Agreements between boards for joint maintenance and establishment.

(4) A continuation school established under subsection 3 shall be under the control and management of a committee composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively.

Management of continuation school under committee.

(5) The committee shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School of the " (*naming the municipality or school section or sections*).

Committee to be a body corporate.

(6) Where the board of a union school section establishes or enters into an agreement with any other board for the establishment of a continuation school, the council of each municipality included, or part of which is included in the union school section, shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such continuation school according to the equalized assessment as provided by *The Public Schools Act* of the part of the union school section comprised in the municipality. R.S.O. 1927, c. 325, s. 2 (1-6).

Apportionment of cost in union school sections.

Rev. Stat., c. 357.

(7) For the purposes of subsections 1 and 2 of section 112 of *The Public Schools Act*, a grade C continuation school established by one or more public school boards shall be deemed a public school, but in no case shall the township council or councils be required to levy a rate thereunder for grants towards the salaries of more than one principal and two assistant teachers

Township levy and teachers' salaries.

Rev. Stat., c. 357.

in any grade C continuation school. 1932, c. 42, s. 15 (1), *part*;
1937, c. 68, s. 8.

Levy for
school
established
by separate
school
board.

(8) Where a continuation school is established by one or more separate school boards, the amount to be levied shall be levied upon the supporters of separate schools established by such board or boards. 1932, c. 42, s. 15 (1), *part*.

County
representa-
tive for
school
board.

(9) Where a continuation school district lies wholly within a county, the council of the county shall have the right to appoint one member to the board of trustees which has the control and management of the continuation school, and where the continuation school district comprises parts of more than one county the council of each county shall have the right to appoint one member to the said board, and any or all of such additional members may reside in the county or counties to represent which he or they are appointed outside the continuation school district and such trustees shall hold office for two years and until their successors have been duly appointed and shall have all the duties, rights, powers and privileges of other members of the board in all matters relating to continuation schools.

County
representa-
tive not to
vote on
public
school
matters.

(10) A member of a board of a continuation school who is appointed by the county council shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public school or schools which are under the control and management of such board. 1932, c. 42, s. 15 (2).

Providing
money
required
for main-
tenance.

4.—(1) All sums required to be provided for the support of a continuation school established under section 3 after deducting from the expenditures the legislative and county and other municipal grants, shall be provided for by a rate levied,—

- (a) where the school is established by the board of an urban municipality or of a public school section, or by the board of an urban municipality and one or more public school sections, or by the boards of two or more public school sections, on the property liable to assessment and taxation for public school purposes in such municipality or school section or sections;
- (b) where the school is established by the board of one or more separate schools, on the property liable to assessment and taxation for separate school purposes;
- (c) where the school is established by one or more public school boards and one or more separate school boards, on the property liable to assessment and taxation for public school purposes in the municipality or section or sections and on the property liable to assessment

and taxation for separate school purposes, in the proportions fixed by or under the agreement for the establishment of the school. R.S.O. 1927, c. 325, s. 3.

(2) The board having jurisdiction over a continuation school shall prepare and submit to the municipal council or councils liable under this Act on or before such time as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for such continuation school, and such estimates shall be separate from those relating to public or separate schools and shall show the amount of any surplus or deficit remaining at the end of the preceding year, and the revenues estimated to be derived from legislative grants, any county or other municipality, fees, and from all other sources. 1933, c. 58, s. 19.

Estimates,—
to be sub-
mitted to
municipal
council.

5.—(1) No fees shall be payable by or in respect of a pupil attending a continuation school who is,—

Certain
pupils not
liable for
fees.

(a) a pupil who resides or whose parent or guardian resides, or is assessed for an amount equal to the average assessment of the ratepayers in the municipality or school section by the board of which the school is established;

(b) a pupil whose cost of education is payable under the provisions of section 8 either as a county pupil or otherwise. 1933, c. 58, s. 20 (1).

(2) Pupils other than those mentioned in subsection 1 shall pay such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in the continuation school.

Fees of
continua-
tion school
pupils.

(3) The board of any other public or separate school may agree with the board by which the continuation school is established or the board of the continuation school, as the case may be, for the payment by such first mentioned board of a lump or other annual sum in lieu of the fees payable under subsection 2.

Payment of
lump sum
in lieu of
fees.

(4) The council of a county or of any municipality may enter into an agreement with the continuation school board of any other municipality for the payment of the whole or part of any fees imposed on non-resident pupils attending a continuation school under the control of the board of such municipality, and all agreements heretofore made by the council of a county or of any municipality for such purpose and all payments heretofore made under agreements or otherwise, are hereby validated and confirmed and declared to have been legally made. R.S.O. 1927, c. 325, s. 4 (2-4).

Agreements
between
council
and con-
tinuation
school
board
validated.

Attendance
at continua-
tion school.

(5) Notwithstanding the provisions of subsection 1 no pupil who having completed the fourth form course in a public or separate school has attended any other school or schools for six years shall after the expiration of such six years be entitled to attend a continuation school except upon payment of such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in such continuation school. 1933, c. 58, s. 20 (2).

Agreements
for support
of continua-
tion school
by adjoining
sections.

6.—(1) Subject to the regulations and to the approval of the Minister, the board of any urban municipality or school section by which a continuation school is established and the board of any adjacent urban municipality or school section may enter into an agreement for the support of such continuation school by the payment of an annual fixed sum or of a proportion of the cost of establishing and maintaining such school by any or all of the boards parties to such agreement, but such agreement shall provide for the establishment and maintenance of the continuation school by and under the control of the board of the municipality or section in which the school is situate.

Agreements
validated.

(2) Any such agreement heretofore entered into and which may be approved by the Minister shall be valid and binding.

Directions
by Minister.

(3) The Minister may give such directions as he may deem proper for carrying out the true intent and meaning of the agreement and providing for any matter arising out of the agreement and not expressly dealt with therein.

Pupils from
adjoining
sections to
be county
pupils.

(4) Pupils attending the school from any municipality or school section other than the municipality or school section in which the school is established shall for the purposes of this Act be deemed county pupils.

Contribu-
tory sec-
tions to
provide
for funds.

(5) Where the board of any school section or of any municipality has entered into an agreement under this section to contribute to the cost of establishing and maintaining a continuation school in any other school section or municipality, it shall be the duty of the contributing board to include in its annual estimates the amount required for that purpose and the same shall be assessed, levied and collected upon the property liable to taxation for public school purposes in the contributing school section or municipality. R.S.O. 1927, c. 325, s. 5.

Where con-
tinuation
schools not
to be estab-
lished.
Rev. Stat.,
c. 360.

7. A continuation school shall not be established or maintained in any part of a high school district established in accordance with the provisions of section 6 of *The High Schools Act*, nor shall such school be established or maintained in a city

or separated town in which a high school has been established in accordance with the provisions of section 7 of the same Act. 1930, c. 63, s. 12.

8.—(1) The cost of education of county pupils attending grade A and grade B continuation schools shall be paid by the county council to the continuation school boards concerned and shall be charged, levied and collected in the manner provided in sections 35, 36, 37 and 38 of *The High Schools Act*. 1936, c. 55, s. 4, *part*. Cost of education of county pupils.
Rev. Stat., c. 360.

(2) All legislative and county grants to grade C continuation schools shall be made in the same manner as grants to fifth classes under *The Public Schools Act* and regulations. 1936, c. 55, s. 4, *part*; 1937, c. 68, s. 9. Grants to grade C schools.
Rev. Stat., c. 357.

(3) Notwithstanding the provisions of subsection 1, where in any year the total cost of education per pupil of the county pupils attending grade A and grade B continuation schools has exceeded \$100 per county pupil, as ascertained under sections 35, 36, 37 and 38 of *The High Schools Act*, the council of the county may, from any amount payable by it in respect of such county pupils, deduct a sum equal to one-half the amount by which the cost exceeded \$100 for each such county pupil. 1936, c. 55, s. 4, *part*. Where cost of education of county pupils exceeds \$100 per pupil.
Rev. Stat., c. 360.

9.—(1) The council of the county may contribute such further sum as it may deem expedient towards permanent improvements or to the maintenance of continuation schools situate in the county, but any sum so contributed, except as provided by subsection 2, shall be apportioned among all such continuation schools in proportion to the amount which the council is required to contribute to their support. Additional contribution by county council.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the continuation schools in the county without making a similar provision for the other continuation schools therein. R.S.O. 1927, c. 325, s. 8 (1, 2). May be for aid to some only of the schools.

(3) The council of united counties may apportion the amount to be levied for continuation schools so that each county in the union shall be liable only for sums payable in respect to continuation schools situate therein, but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any continuation school situate in any other of the counties. R.S.O. 1927, c. 325, s. 8 (3); 1933, c. 58, s. 22. Apportionment between counties in a union.

(4) Where agricultural training is provided for, in accordance with the regulations, in a continuation school, the council Agricultural training in continuation schools.

of the county in which the continuation school is situate may, on or before the 15th day of December in each year, pay to the board of the school in which such training is so provided such sums as it may deem expedient, which shall be applied by the board to the purposes of such training.

Apportionment with schools situate in municipality or section forming part of two or more counties. Rev. Stat., c. 357.

(5) Where the continuation school is situate in an urban municipality or in a union school section, parts of which are in two or more counties, the amount payable under subsections 1 and 4 by the corporation of each county shall be determined in the manner provided by section 40 of *The Public Schools Act*. R.S.O. 1927, c. 325 s. 8 (4, 5).

Right of exemption of contributing municipalities.

10. Where a municipality is called upon to pay a part of the cost of education of county pupils under section 8, all parts of such municipalities as shall be included in the continuation school section shall be exempt from paying any part of such cost paid by the municipality except such portion of such cost, if any, as shall be incurred in connection with pupils whose parents or guardians reside within such exempted section. R.S.O. 1927, c. 325, s. 9.

Admission of pupils.

11. Pupils whether resident or non-resident may be admitted to a continuation school in accordance with the regulations governing the admission of pupils to high schools. R.S.O. 1927, c. 325, s. 10.

Qualification of teachers.

12. Every teacher appointed as principal or assistant in a continuation school shall possess the qualifications prescribed by the regulations. R.S.O. 1927, c. 325, s. 11.

Courses of study.

13. The courses of study in continuation schools shall be such as are prescribed by the regulations. R.S.O. 1927, c. 325, s. 12.

When continuation school becomes high school. 1909, c. 90.

14.—(1) Every continuation school which has been established under the provisions of Part II of *The Continuation Schools Act*, passed in the ninth year of the reign of His late Majesty King Edward the Seventh, chaptered 90, shall be deemed to have been on and after the 1st day of July, 1913, and shall be a high school and, except as hereinafter expressly provided, shall be subject to the provisions of *The High Schools Act*.

Rev. Stat., c. 360.

Term of office of existing trustees.

(2) The trustees of a continuation school holding office at the time it became a high school under the provisions of subsection 1 shall be deemed to have been the trustees of it until trustees were appointed under the provisions of *The High Schools Act* and the new board was organized.

(3) The principal of a continuation school at the time it became a high school under this section shall, subject to the approval of the Minister, be qualified to continue to be the principal of such school. R.S.O. 1927, c. 325, s. 13.

When principal may continue as principal of high school.

15. Such of the provisions of *The Public Schools Act* in the case of a continuation school under the jurisdiction of a public school board as are applicable and are not inconsistent with this Act, shall be read as part of this Act. 1932, c. 42, s. 16.

Application of Rev. Stat., c. 357.
